

7-44. Noncompliance Penalty: De Minimis Exemptions (1200 TN 350 7-44)

1. **AUTHORITY.** Pursuant to Section 120 of the Clean Air Act (CAA) with regard to the requirements of the noncompliance penalty section where a particular instance of noncompliance is due to a violation which is de minimis in nature and duration:
 - a. To publish a notice and provide an opportunity for a public hearing; and
 - b. To grant an exemption from the requirements.
2. **TO WHOM DELEGATED.** Director, Enforcement and Compliance Assurance Division (ECAD).
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, a delegatee must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA).
 - b. The AA/OECA may exercise these authorities in multi-regional cases or in cases of national significance.
 - c. The AA/OECA must notify any affected Regional Administrator prior to exercising any of the above authorities.
 - d. The AA/OECA may waive, in writing, consultation requirement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, and no further. This authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120 of CAA.
6. **SUPERSESSION.** Delegations Manual, CAA, Regional Delegation 7-44.
Noncompliance Penalty: De Minimis Exemptions, 1200 TN RIII 194, (February 21, 2017).

Date: APR 15 2019



Cosmo Servidio
Regional Administrator